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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,118	08/14/2001	Chiung-Hsien Wu	TW 000006	1339

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EXAMINER

LE, DANH C

ART UNIT PAPER NUMBER

2683

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/929,118

**Applicant(s)**

WU, CHIUNG-HSIEN

**Examiner**

DANH C LE

**Art Unit**

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5, 7 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**1. Claims 1-4, 6, 8, 9, 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Vo (US 6,795,444).**

As to claim 1, Vo teaches a method of transferring a communication session (figure 8, 9 and col.23, line 36-col.24, line 47) established between a content server (GK 298) and a mobile device (112A) in a first service area (802) of a communication network comprising a plurality of service areas (802, 804), each service area being associated with a transcoding proxy (GW1, GW3) for transcoding communication sessions established in said service area to and from a format suitable for the mobile device, the first service area being associated with a first transcoding proxy (GW1), the method comprising transferring the relaying of the communication session from the first transcoding proxy to a second transcoding proxy (GW3) associated with a second service area (804) from said plurality.

**As to claim 2**, Vo teaches the method of claim 1, further comprising transferring session information (figure 9, step 1306) related to the communication session from the first transcoding proxy (GW1) to the second transcoding proxy (GW3).

**As to claim 3**, Vo teaches the method of claim 1, further comprising receiving from the mobile device (112A) a ready to transfer message (H.245 session) identifying the second transcoding proxy.

**As to claim 4**, Vo teaches the method of claim 3, further comprising suspending the communication session after the ready to transfer message has been received, and resuming the communication session after a resume message has been received from the mobile device (col.24, line 22-40).

**As to claim 6**, Vo teaches the communication system arranged for transferring a communication session (figure 8, 9 and col.23, line 36-col.24, line 47) established between a content server (GK 298) and a mobile device (112A) in a first service area (802) of a communication network comprising a plurality of service areas (802, 804), each service area being associated with a transcoding proxy (GW1, GW3) for transcoding communication sessions established in said service area to and from a format suitable for the mobile device, the first service area being associated with a first transcoding proxy (GW1), the communication system further comprising instructing means (354) for transferring the relaying of the communication session from the first transcoding proxy to a second transcoding proxy (GW3) associated with a second service area (804) from said plurality.

**As to claim 8**, Vo teaches the communication system of claim 6, further comprising migration means for receiving from the mobile device a ready to transfer message identifying the second transcoding proxy (figure 9, step 1310).

**As to claim 9**, Vo teaches the mobile assistant server for use in the communication system of claim 6, comprising said instructing means (figure 9, step 1306).

**As to claim 11**, Vo teaches the transcoding proxy for use in the communication system of claim 6, comprising said instructing means (figure 9, step 1306).

**As to claim 12**, Vo teaches the transcoding proxy as claimed in claim 8, further comprising migration means for receiving from the mobile device a ready to transfer message identifying the second transcoding proxy (figure 9, H.24-5 session).

**As to claim 13**, Vo teaches the mobile device for use in the communication system of claim 8, comprising communicating means for communicating a ready to transfer message, identifying a second transcoding proxy, to said migration means (figure 9, step 1318).

**As to claim 14**, Vo teaches the mobile device of claim 13, further comprising transcoding proxy selection means for receiving one or more transfer reply messages from at least one transcoding proxy, choosing the second transcoding proxy from said at least one transcoding proxy based on said one or more transfer reply messages (col24, lines 22-47).

Art Unit: 2683

**As to claim 15**, Vo teaches the mobile device of claim 14, further comprising strength measuring means for comparing strengths of the respective signals comprising the one or more echo reply messages (col.20, lines 56-67).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**2. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vo (6,795,444).**

**As to claim 16**, Vo teaches the mobile device of claim 13, Vo fails to teach further comprising storage means for storing a list of service areas and associated transcoding proxies. However, examiner takes Official Notice a list of service areas and associated transcoding proxies. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of yy into the system of Vo in order to enhance the system performance of the wireless telephony over a packet switched network.

***Allowable Subject Matter***

Claims 5, 7, 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**As to claims 5, 7 and 10**, the prior arts fails to teach further comprising:  
receiving from the mobile device in the first service area a transfer request message, determining a neighbor group comprising transcoding proxies associated with one or more service areas from said plurality, the one or more service areas being adjacent to the first service area, and forwarding the transfer request message to the transcoding proxies from the neighbor group, in response to which at least one of said transcoding proxies sends a transfer reply message to the mobile device.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Bellwood et al (US 6,584,567) teaches dynamic connection to multiple origin servers in a transcoding proxy.


B. Stuempert et al (US 6,810,256) teaches method and system for handling the transcoding of connections handed off between mobile switching centers,

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C LE whose telephone number is 703-306-0542. The examiner can normally be reached on 8:00AM-5:00PM.

Art Unit: 2683

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
DANH CONG LE  
November 24, 2004  
PATENT EXAMINER